

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TIMOTHY MATTHEWS,

Plaintiff,

v.

MOUNTAIRE FARMS  
OF DELAWARE,

Defendant.

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Civil Action No. 06-330

**ANSWER TO AMENDED COMPLAINT**

The Defendants, Mountaire Farms of Delaware, Inc., Roland Lynch, Wells Betts, Alan Pascual, Jr., Claudia Pittman, Lori Carey and Linda Mitchell, hereby file their Answer to the Plaintiff's Amended Complaint.

1. The Defendants admit the allegations contained in paragraphs one (1) through eight (8) of the Amended Complaint.

2. Defendant Mountaire Farms admits that this Court has subject matter jurisdiction and that venue is proper in this Court as alleged in the Amended Complaint.

3. Defendants Roland Lynch, Wells Betts, Alan Pascual, Jr., Claudia Pittman, Lori Carey and Linda Mitchell deny that this Court has subject matter jurisdiction over the allegations contained in the Amended Complaint as they pertain to them either individually and/or collectively. Venue, therefore, is also improper and is denied.

4. The Defendants deny the allegations contained in paragraphs one (1) through four (4) under the heading "Claim."

### **FACTS SUPPORTING CLAIM**

1. The Defendants deny the allegations contained in the following paragraphs of the Amended Complaint: paragraphs one (1); five (5) – seven (7) inclusive; nine (9); eleven (11) – fourteen (14) inclusive; nineteen (19); twenty-two (22); twenty-four (24); twenty-seven (27) – twenty-nine (29) inclusive; thirty-two (32) – forty-seven (47) inclusive.

2. The Defendants admit the allegations contained in the following paragraphs of the Amended Complaint: paragraphs two (2) – four (4) inclusive; eight (8); ten (10); fifteen (15) – eighteen (18) inclusive; twenty (20); twenty-one (21); twenty-three (23); twenty-five (25); twenty-six (26); thirty (30); and thirty-one (31).

### **AFFIRMATIVE DEFENSES TO COMPLAINT**

Having fully answered the Amended Complaint, the Defendants assert the following defenses:

1. Plaintiff has failed to state any claim upon which relief may be granted.
2. Plaintiff's claims are barred to the extent that they are outside of the scope of the applicable statute of limitations.
3. Plaintiff's complaint, or portions thereof, is barred by estoppel, laches and failure to mitigate and waiver.
4. Any conduct by the Defendants toward Plaintiff has been based on legitimate, non-discriminatory reasons, and there is no basis for any claim against Defendants by Plaintiff.

5. None of the allegedly wrongful acts of which Plaintiff complains can be attributed to the Defendants for purposes of liability or punitive damages under principles of agency, respondeat superior, or any other legal theory.

6. The Defendants have at all times relevant to the Amended Complaint made good faith efforts to comply with their obligations under Federal and State laws against discrimination, including maintaining and enforcing policies against race discrimination, or any other protected basis.

7. The Defendants affirmatively deny that Plaintiff was retaliated against because of his race, or any other protected basis.

8. The Defendants have at all times exercised reasonable care to prevent discrimination and retaliation and the Defendants have in place policies and practices that ensure that any discriminatory behavior will be promptly corrected if it occurs.

9. The Defendants' alleged conduct was not sufficiently severe or outrageous to warrant a claim for compensatory and punitive damages.

**Reservation of Rights**

The Defendants reserve the right to assert any and all additional affirmative defenses which may be determined during the course of discovery.

Respectfully submitted,

/s/ Roger D. Landon

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*Attorneys for Defendant*

January 16, 2007

**CERTIFICATE OF SERVICE**

This is to certify that foregoing Answer to Amended Complaint was served this  
16<sup>th</sup> day of January, 2007, by First Class mail, postage prepaid, upon:

Timothy Matthews  
P. O. Box 1453  
Seaford, DE 19973

/s/ Roger D. Landon  
Roger D. Landon

#147436